

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

GRAVEL RATING SYSTEMS LLC,

Plaintiff,

v.

SEPHORA USA, INC.

Defendant.

Civil Action No. 4:22-cv-998-ALM

JURY TRIAL DEMANDED

SCHEDULING ORDER

It is hereby **ORDERED**, after consultation with the parties, that the following scheduling will apply in this case:

Model Order Date	Proposed Date	Case Event
10 days after mgmt. conf. (May 12, 2023)	May 19, 2021	P.R. 3-1 Disclosure of Asserted Claims and Infringement Contentions (and P.R. 3-2 document production) to be served.
5 weeks after mgmt. conf. (June 6, 2021)	June 16, 2021	Join additional parties. P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document production) to be served. To the extent not already required to be disclosed, exchange Mandatory Disclosures on all issues, including damages.
No later than 45 days after mgmt. conf. (June 16, 2023)	June 30, 2023	Parties to exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1).

7 weeks after mgmt. conf. (June 20, 2023)	July 13, 2023	Privilege logs to be exchanged by parties (or a letter to the Court stating that there are no disputes as to claims of privileged documents).
No later than 65 days after mgmt. conf. (July 6, 2023)	July 20, 2023	Parties to exchange preliminary proposed claim construction and extrinsic evidence supporting same. (P.R. 4-2).
13 weeks after mgmt. conf. (August 1, 2023)	August 1, 2023	Parties' Final Amended Pleadings. (A motion for leave is required.)
No later than 95 days after mgmt. conf. (August 7, 2023)	August 14, 2023	Joint Claim Construction and Prehearing Statement to be filed. (P.R. 4-3). Provide an estimate of how many pages are needed to brief the disputed claims.
16 weeks after mgmt. conf. (August 22, 2023)	August 22, 2023	Respond to Amended Pleadings.
No later than 125 days after mgmt. conf. (September 5, 2023)	September 5, 2023	Completion date for discovery on claim construction. (P.R. 4-4).
No later than 140 days after mgmt. conf. (September 19, 2023)	September 19, 2023	Opening claim construction brief. (P.R. 4-5(a)).
No later than 2 weeks after claim construction brief (October 3, 2023)	October 3, 2023	Responsive claim construction brief. (P.R. 4-5(b)).

4 weeks before claim construction hearing (September 25, 2023)	September 25, 2023	Submit technology synopsis/tutorial (both hard copy and disk).
No later than 7 days after response (October 10, 2023)	October 10, 2023	Reply claim construction brief. (P.R. 4-5(c)).
At least 10 days before claim construction hearing (October 13, 2023)	October 13, 2023	Parties to file joint claim construction and chart. (P.R. 4-5(d)). Parties shall work together to agree on as many claim terms as possible.
(October 23, 2023)	October 23, 2023	Proposed Claim Construction hearing Monday, October 23, 2023, at 9:00 a.m. at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.
5 weeks after claim construction hearing (November 27, 2023)	November 27, 2023	Deadline for Initial Mandatory Disclosure of all persons, documents, data compilations and tangible things, which are relevant to a claim or defense of any party and which has not previously been disclosed. This deadline is not an extension of earlier deadlines set out in this Court's order or the Patent Rules, nor an excuse to delay disclosure of information. It is a "catchall" deadline for provision of all remaining information which may be relevant to a claim or defense of any party at trial.
9 weeks after claim construction hearing	December 26, 2023	Parties with burden of proof to designate Expert Witnesses other than claims construction

(December 26, 2023)		experts and provide their expert witness reports, to include for ALL experts all information set out in Rule 26(a)(2)(B). Comply with P.R. 3-7 (Designation of Willfulness Opinions).
11 weeks after claim construction hearing (January 8, 2024)	January 8, 2024	Parties to Designate Expert Witnesses on issues for which the parties do not bear the burden of proof, and provide their expert witness report, to include for ALL experts all information set out in Rule 26(2)(B). Note: Objections to any expert, including Daubert motions, shall be filed within 3 weeks after the expert's Report has been disclosed. Such objections and motions are limited to ten pages each.
13 weeks after claim construction hearing (and no later than 110 days prior to the filing of the Joint Final PTO) (January 22, 2024)	January 22, 2024	File Dispositive Motions and any other motions that may require a hearing. Regardless of how many dispositive motions a party files, each party is limited to a total of sixty pages for such motions. Each individual motion shall comply with Local Rule CV-7. Responses to motions shall be due in accordance with Local Rule CV-7(e).
13 weeks after claim construction hearing (January 26, 2024)	January 26, 2024	Discovery deadline. All discovery must be served in time to be completed by this deadline.
5 weeks before final pretrial conference (May 6, 2024)	May 6, 2024	Notice of intent to offer certified records. Counsel and unrepresented parties are each responsible

		for contacting opposing counsel and unrepresented parties to determine how they will prepare the Joint Final Pretrial Order, see www.txed.uscourts.gov , and Proposed Jury Instructions and Verdict Form (or Proposed Findings of Fact and Conclusions of Law in nonjury cases).
30 days before final pretrial conference (May 13, 2024)	May 13, 2024	Motions in limine due. File Joint Final Pretrial Order. Exchange Exhibits and deliver copies to the Court. At this date, all that is required to be submitted to the Court is a hyperlinked exhibit list on disk (2 copies) and no hard copies.
4 weeks before final pretrial conference (May 13, 2024)	May 13, 2024	Deposition Designation due. Each party who proposes to offer a deposition by video shall serve on all other parties a disclosure identifying the line and page numbers to be offered. All other parties will have seven calendar days to serve a response with any objections and requesting cross examination line and page numbers to be included. Counsel must consult on any objections and only those which cannot be resolved shall be presented to the Court. The party who filed the initial Video Deposition Designation is responsible for preparation of the final edited video in accordance with all parties' designations and the Court's rulings on objections.

2 weeks before final pretrial conference (May 27, 2024)	May 27, 2024	Response to motions in limine due. File objections to witnesses, deposition extracts, and exhibits, listed in pre-trial order. (This does not extend the deadline to object to expert witnesses.) If numerous objections are filed, the Court may set a hearing prior to docket call. File Proposed Jury Instructions/Form of Verdict (or Proposed Findings of Fact and Conclusions of Law).
June 10, 2024	June 10, 2024	Final Pretrial Conference at 1:30 p.m. at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.
To be determined		10:00 a.m. Jury Selection and Trial at the Paul Brown United States Courthouse, 101 E. Pecan Street, Sherman, Texas 75090.